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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,758	03/09/2004	Sjoerd Johannes van Driesten	AVERP3447USA	4363
7590	08/26/2004		EXAMINER	
Heidi A. Boehlefeld			TRAN, THAO T	
Renner, Otto, Boisselle & Sklar, LLP				
Nineteenth Floor			ART UNIT	PAPER NUMBER
1621 Euclid Avenue			1711	
Cleveland, OH 44115-2191			DATE MAILED: 08/26/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/796,758	DRIESTEN, SJOERD JOHANNES VAN
	<b>Examiner</b>	<b>Art Unit</b>
	Thao T. Tran	1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-44 is/are pending in the application.
  - 4a) Of the above claim(s) 25-40 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 and 41-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/28/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-24 and 41-44, drawn to an adhesive article, classified in class 428, subclass 343.
  - II. Claims 25-40, drawn to a method of providing a reusable closure for packages, classified in class 53, subclass 461.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a different process, such as adhering the adhesive article to an automobile panel.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Ms. Heidi Boehlefeld on August 16, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-24 and 41-44. Affirmation of this election must be made by applicant in replying to this Office action. Claims 25-40 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-11, 21, 23, 41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by MacGregor et al. (US Pat. 4,846,504).

MacGregor teaches a label assembly, comprising a backing tape 12 (carrier) with a release layer, bearing a series of labels (adhesive articles). Each of the labels is formed of a base label 20, a promotional label 22, and an outer label 24 (see Figure 1). The base label is secured to the backing tape with a permanent pressure-sensitive adhesive; the promotional label is slightly secured to the base label by a transparent, nontacky, peelable adhesive (removable); and the

outer label is secured to the base label by a permanent pressure-sensitive, water-soluble adhesive (see col. 3, ln. 15-26).

In regards to claims 1, 9, 41, and 43, MacGregor teaches the promotional label (substrate) is formed of water-resistant material (see col. 4, ln. 49-50) and the peeling force of the removable adhesive covering the promotional label is approximately 0.7 lbs/in or 0.9 lbs/in (see col. 3, ln. 53-54; col. 4, ln. 4-7), which reads on the instantly claimed range.

Note: The examiner is interpreting the whole surface as a portion of the surface.

In regards to claims 2-7, MacGregor further teaches the base label and the promotional label are formed of water-resistant material, such as paper coated with varnish, or plastic films, such as polystyrene, polypropylene, or polyethylene (see col. 4, ln. 17-24, 48-67).

In regards to claims 8, 10-11, 23, MacGregor teaches the adhesive to be acrylic-based, rubber-based, or hot melt pressure sensitive (see col. 3, ln 66; col. 4, ln. 9-11).

In regards to claim 21, although MacGregor does not specifically teach the cohesive strength of the removable adhesive, since the reference teaches the same adhesive and label, the reference's adhesive would inherently have the same cohesive strength.

9. Claims 1-3, 8-11, 18-24, 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorensen et al. (US Pat. 4,771,891).

Sorensen teaches a roll of backing strip with a release layer and labels (substrates) adhering to the release layer (see col. 2, ln. 36-40; col. 5, ln. 17-25). The adhesive is applied on selected areas of the label, including full coverage area 78, 18' where permanent adhesion is desired, relatively lighter pattern coverage in the area 80, 84 where the label is releasable (removable) (see Figs. 9-10; col. 1, ln. 49-51; col. 6, ln. 65 to col. 7, ln. 13).

Sorensen further teaches the adhesive to be acrylic-based, rubber-based, or hot melt pressure sensitive and that it has a peeling force of approximately 0.7 lbs/in and 0.9 lbs/in (see paragraph bridging col. 5-6), which appears to read on the instantly claimed range. With respect to claim 21, although Sorensen does not specifically teach the cohesive strength of the removable adhesive, since the reference teaches the same adhesive and label, the reference's adhesive would inherently have the same cohesive strength

Sorensen further discloses the substrate to be face stock coated with plastic coating, or notes (see col. 1, ln. 42-46; Fig. 7; col. 6, ln. 45-59).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen as applied to claim 1 above, and further in view of Cameron et al. (US Pat. 6,025,071).

Sorensen is as set forth in claim 1 above and incorporated herein.

Sorensen does not teach the adhesive comprising a styrene isoprene or styrene butadiene copolymer or the tackifiers as recited in the instant claims.

Cameron teaches an article having a removable hot melt pressure sensitive adhesive, the adhesive comprising a mixture of styrene-isoprene-styrene triblock and diblock copolymers; at least one tackifying resin, such as terpene and rosin (see abstract; col. 5, ln. 11-15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed the adhesive, as taught by Cameron, in the adhesive composition of Sorensen. This is because Cameron discloses that the use of this adhesive composition would have resulted in excellent anchorage of the adhesive to the substrate, excellent quick tack and stain resistance, while retaining a low viscosity and low ultimate peel adhesion (see col. 3, ln. 12-16).

12. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen as applied to claim 1 above, and further in view of MacGregor.

Sorensen is as set forth in claim 1 above and incorporated herein.

Sorensen does not teach the substrate comprising a multilayer film, or that the substrate comprising a polymeric film as recited in the instant claims.

MacGregor teaches such as paper coated with varnish, or plastic films, such as polystyrene, polypropylene, or polyethylene (see col. 4, ln. 17-24, 48-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed the substrate as plastic film comprising polystyrene, polypropylene, or polyethylene, as taught by MacGregor, in the adhesive article of Sorensen, and would have given the same results. This is because MacGregor discloses that the adhesive would be used on a paper coated with varnish or plastic films.

***Contact Information***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thao Tran*

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August 20, 2004